

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Index No: 10 CIV 2702

-----X  
JUSTIN ARMSTRONG,

Plaintiff,

-against-

**VERIFIED ANSWER**

"JOHN DOE" NEW JERSEY STATE  
TROOPERS 1-5, 150 RFT VARICK CORP.  
d.b.a. GREENHOUSE USA, "JOHN DOE"  
GREENHOUSE SECRUTY 1 & 2,  
JON BAKHSHI, BARRY MULLINEAUX,  
FRANK PROCO, JOHN BEST, MERLIN BOB  
WILLIS, TIM REGISFORD, GREG  
ANNUNZIATA and W & M OPERATING  
L.L.C.,

Defendants,

-----X

Defendants, 150 RFT VARICK CORP. W& M OPERATING L.L.C., by its attorneys, BOLAN  
JAHNSEN DACEY, as and for verified answer to the plaintiff's verified complaint, respectfully alleges:

FIRST: Denies knowledge and information sufficient to form a belief as to those allegations  
set forth in paragraphs numbered 1.

SECOND: Denies each and every allegation set forth in paragraphs numbered 2.

THIRD: Denies each and every allegation set forth in paragraphs numbered 3.

FOURTH: Denies each and every allegation set forth in paragraphs numbered 4.

FIFTH: Denies knowledge and information sufficient to form a belief as to those allegations  
set forth in paragraphs numbered 5.

SIXTH: Denies knowledge and information sufficient to form a belief as to those allegations  
set forth in paragraphs numbered 6.

SEVENTH: Denies each and every allegation set forth in paragraphs numbered 7, except admits

Greenhouse is a d/b/a of 150 RFT Varick Corp.

EIGHTH: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 8.

NINTH: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 9, except admits the defendants, except GREG ANNUNZIATA, are shareholders of 150 RFT Varick Corporation..

TENTH: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 10.

ELEVENTH: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 11

TWELFTH: Admit the truth of each and every allegation contained in each and every allegation in the Complaint designated at paragraphs 12.

THIRTEENTH: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 13.

FOURTEENTH: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 14.

FIFTEENTH: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 15.

SIXTEENTH: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 16.

SEVENTEENTH: Denies knowledge and information sufficient to form a belief as to those

allegations set forth in paragraphs numbered 17.

EIGHTEENTH: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 18.

NINETEENTH: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 19.

TWENTY: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 20.

TWENTY-ONE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 21.

TWENTY-TWO: Denies each and every allegation set forth in paragraphs numbered 22.

TWENTY-THREE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 23.

TWENTY-FOUR: Denies each and every allegation set forth in paragraphs numbered 24.

TWENTY-FIVE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 25.

TWENTY-SIX: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 26.

TWENTY-SEVEN: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 27.

TWENTY-EIGHT: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 28.

TWENTY-NINE: Denies each and every allegation set forth in paragraphs numbered 29.

THIRTY: Denies each and every allegation set forth in paragraphs numbered 30.

THIRTY-ONE: Denies each and every allegation set forth in paragraphs numbered 31.

THIRTY-TWO: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 32.

THIRTY-THREE: Denies each and every allegation set forth in paragraphs numbered 33.

THIRTY-FOUR: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 34.

THIRTY-FIVE: Denies each and every allegation set forth in paragraphs numbered 35.

THIRTY-SIX: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 36.

THIRTY-SEVEN: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 37.

THIRTY-EIGHT: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 38.

THIRTY-NINE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 39.

FOURTY: Denies each and every allegation set forth in paragraphs numbered 40.

FOURTY-ONE: Denies each and every allegation set forth in paragraphs numbered 41.

FOURTY-TWO: Denies each and every allegation set forth in paragraphs numbered 42.

FOURTY-THREE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 43.

FOURTY-FOUR: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 44.

FOURTY-FIVE: Denies each and every allegation set forth in paragraphs numbered 45.

FOURTY-SIX: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 46.

FOURTY-SEVEN: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 47.

FOURTY-EIGHT: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 48.

FOURTY-NINE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 49.

FIFTY: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 50 of the (Verified) Complaint.

FIFTY-ONE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 51.

FIFTY-TWO: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 52.

FIFTY-THREE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 53.

FIFTY-FOUR: Denies each and every allegation set forth in paragraphs numbered 54.

FIFTY-FIVE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 55.

FIFTY-SIX: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 56.

FIFTY-SEVEN: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 57 of the (Verified) Complaint.

FIFTY-EIGHT: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 58.

FIFTY-NINE: Denies each and every allegation set forth in paragraphs numbered 59.

SIXTY: Denies each and every allegation set forth in paragraphs numbered 60.

SIXTY-ONE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 61.

SIXTY-TWO: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 62 of the (Verified) Complaint.

SIXTY-THREE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 63.

SIXTY-FOUR: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 64.

SIXTY-FIVE: Denies each and every allegation set forth in paragraphs numbered 65.

SIXTY-SIX: Denies each and every allegation set forth in paragraphs numbered 66.

SIXTY-SEVEN: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 67.

SIXTY-EIGHT: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 68 of the (Verified) Complaint.

SIXTY-NINE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 69.

SEVENTY: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 70.

SEVENTY-ONE: Denies each and every allegation set forth in paragraphs numbered 71.

SEVENTY-TWO: Denies each and every allegation set forth in paragraphs numbered 72.

SEVENTY-THREE: Denies each and every allegation set forth in paragraphs numbered 73.

SEVENTY-FOUR: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 74.

SEVENTY-FIVE: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 75 of the (Verified) Complaint.

SEVENTY-SIX: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 76.

SEVENTY-SEVEN: Denies each and every allegation set forth in paragraphs numbered 77.

SEVENTY-EIGHT: Denies each and every allegation set forth in paragraphs numbered 78.

SEVENTY-NINE: Denies each and every allegation set forth in paragraphs numbered 79.

EIGHTY: Denies each and every allegation set forth in paragraphs numbered 80.

EIGHTY-ONE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 81.

EIGHTY-TWO: Denies each and every allegation set forth in paragraphs numbered 82.

EIGHTY-THREE: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 83 of the (Verified) Complaint.

EIGHTY-FOUR: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 84.

EIGHTY-FIVE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 85.

EIGHTY-SIX: Denies each and every allegation set forth in paragraphs numbered 86.

EIGHTY-SEVEN: Denies each and every allegation set forth in paragraphs numbered 87.

EIGHTY-EIGHT: Denies each and every allegation set forth in paragraphs numbered 88.

EIGHTY-NINE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 89.

NINTY: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 90 of the (Verified) Complaint.

NINTY-ONE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 91.

NINTY-TWO: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 92.

NINTY-THREE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 93.



NINTY-FOUR: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 94 of the (Verified) Complaint.

NINTY-FIVE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 95.

NINTY-SIX: Denies each and every allegation set forth in paragraphs numbered 96.

NINTY-SEVEN: Denies each and every allegation set forth in paragraphs numbered 97.

NINTY-EIGHT: Denies each and every allegation set forth in paragraphs numbered 98.

NINTY-NINE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 99.

ONE HUNDRED: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 100 of the (Verified) Complaint.

ONE HUNDRED ONE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 101.

ONE HUNDRED TWO: Denies each and every allegation set forth in paragraphs numbered 102.

ONE HUNDRED THREE: Denies each and every allegation set forth in paragraphs numbered 103.

ONE HUNDRED FOUR: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 104.

ONE HUNDRED FIVE: Denies each and every allegation set forth in paragraphs numbered 105.

ONE HUNDRED SIX: Denies each and every allegation set forth in paragraphs numbered 106.

ONE HUNDRED SEVEN: Denies each and every allegation set forth in paragraphs numbered 107.

ONE HUNDRED EIGHT: Denies each and every allegation set forth in paragraphs numbered 108.

ONE HUNDRED NINE: Denies each and every allegation set forth in paragraphs numbered 109.

ONE HUNDRED TEN: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 110.

ONE HUNDRED ELEVEN: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 111 of the (Verified) Complaint.

ONE HUNDRED TWELVE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 112.

ONE HUNDRED THIRTEEN: Denies each and every allegation set forth in paragraphs numbered 113.

ONE HUNDRED FOURTEEN: Denies each and every allegation set forth in paragraphs numbered 114.

ONE HUNDRED FIFTHTEEN: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 115.

ONE HUNDRED SIXTEEN: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 116 of the (Verified) Complaint.

ONE HUNDRED SEVENTEEN: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 117.

ONE HUNDRED EIGHTEEN: Denies each and every allegation set forth in paragraphs numbered 118.

ONE HUNDRED NINETEEN: Denies each and every allegation set forth in paragraphs numbered 119.

ONE HUNDRED TWENTY: Denies each and every allegation set forth in paragraphs numbered 120.

ONE HUNDRED TWENTY-ONE: Denies each and every allegation set forth in paragraphs numbered 121.

ONE HUNDRED TWENTY-TWO: Denies each and every allegation set forth in paragraphs numbered 122.

ONE HUNDRED TWENTY-THREE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 123.

ONE HUNDRED TWENTY-FOUR: Denies each and every allegation set forth in paragraphs numbered 124.

ONE HUNDRED TWENTY-FIVE: Denies each and every allegation set forth in paragraphs numbered 125.

ONE HUNDRED TWENTY-SIX: Repeats and reiterates each and every denial hereinbefore made with the same force and effect as though the same were set forth at length herein in answer to paragraph number 126 of the (Verified) Complaint.

ONE HUNDRED TWENTY-SEVEN: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 127.

ONE HUNDRED TWENTY-EIGHT: Denies each and every allegation set forth in paragraphs numbered 128.

ONE HUNDRED TWENTY-NINE: Denies knowledge and information sufficient to form a belief as to those allegations set forth in paragraphs numbered 129.

ONE HUNDRED THIRTY: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 130.

ONE HUNDRED THIRTY-ONE: Denies in the form alleged each and every allegation contained with the Complaint in paragraphs 131.

ONE HUNDRED THIRTY-TWO: Denies each and every allegation set forth in paragraphs numbered 132.

ONE HUNDRED THIRTY-THREE: Denies in the form alleged each and every allegation and refers all questions of fact and law to the ultimate triers of fact and law contained within the Complaint in paragraphs 133.

Any paragraph not answered is denied

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

Pursuant to CPLR Article 16, the liability of defendant, to the plaintiff(s) herein for non-economic loss is limited to defendant's (s) equitable share determined in accordance with the relative culpability of each person causing or contributing to the total liability for non-economic loss

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

That by entering into the activity in which the plaintiff(s) was engaged at the time of the occurrence set forth in the complaint, said plaintiff(s) knew the hazards thereof and the inherent risks incident thereto and had full knowledge of the dangers thereof, that whatever injuries and damages were sustained by the plaintiff(s) herein as alleged in the Complaint arose from and were caused by reason of such risks voluntarily undertaken by the plaintiff(s) in his/her activities and such risks were assumed and accepted by him/her in performing and engaging in said activities.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

Any damages sustained by the plaintiff(s) were caused by the culpable conduct of the plaintiff(s) including contributory negligence, assumption of risks, breach of contract and not by the culpable conduct or negligence of this answering defendant. But if a verdict of judgment is awarded to the plaintiff(s), then and in that event the damages shall be reduced in the proportion which the culpable conduct attributable to the plaintiff(s) bears to the culpable conduct which caused the damages.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim for all causes of action.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

Whatever injuries and/or damages sustained by the plaintiff(s) at the time and place alleged in the Complaint, were due to the acts of parties over whom the defendant was not obligated to exercise any control or supervision

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

Plaintiff(s) failed to mitigate damages.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

Any proceedings instituted against plaintiff(s) were done with probable cause and therefore defendant(s) conduct was lawful and reasonable under the circumstances.

**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**

That the plaintiff(s) failed to use safety devices available to the plaintiff(s) at the time of the events alleged in the plaintiff (s) Complaint and the plaintiff(s) failure to use such devices was negligent and was a cause in whole or in part or in part of the injuries sustained by plaintiff(s).

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

That the plaintiff(s) could with due diligence has/have obtained personal jurisdiction over tortfeasors not made parties to this lawsuit and thus the culpability of such missing or absent tortfeasors is to be apportioned into the total culpability allegedly causing the subject occurrence.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

The plaintiff(s) Complaint should be dismissed since the claims against the defendant is/are frivolous, and costs and attorneys fees should be awarded to defendant (s) pursuant to CPLR § 8303-a and Federal Rule 12.

**AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE**

Defendant(s) invoke/invokes the protection of Public Health Law §2805-d(4) with respect to the alleged cause of action for informed consent, and reserve all rights pursuant thereto.

**AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE**

Any injuries suffered by plaintiff were not caused by a negligent act or omission of defendant or any individual acting under his direction or control.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE**

That at all times herein, this answering defendant acted in good faith.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE**

That at all times herein, this answering defendant acted in self defense.

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE**

That plaintiff's causes of action pursuant to 42 U.S.C. §1983 are not maintainable as this answering defendant was not acting "under color of law".

**AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE**

Defendant reserves all rights to add additional affirmative defenses which may be ascertained in the course of discovery in this action.

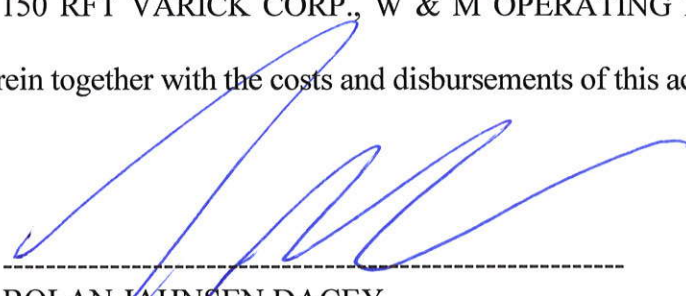
**AS AND FOR A CROSS-CLAIM AGAINST CO-DEFENDANTS "JOHN DOE" NEW JERSEY  
STATE TROOPERS 1-5  
THIS ANSWERING DEFENDANT ALLEGES:**

That if Plaintiff was caused injuries and/or damages as alleged in the Complaint through negligence other than Plaintiff's own negligence, carelessness and recklessness, said injuries and/or damages were sustained due to the primary and active, negligent, careless and reckless acts of omission or commission of Co-Defendants "JOHN DOE" NEW JERSEY STATE TROOPERS 1-5 with the negligence, if any, of the answering Defendants being secondary and/or derivative only.

That if Plaintiff should recover judgment against the answering Defendant, then Co-Defendants, **"JOHN DOE" NEW JERSEY STATE TROOPERS 1-5**, shall be liable to said answering Defendant for the full amount of said Judgment of on the basis of apportionment of responsibility for the alleged occurrence, the answering Defendant is entitled to contribution from and judgment over and against the Co-Defendants for part of any verdict or judgment which Plaintiff may recover, in such amounts as a jury or Court may direct.

**WHEREFORE**, defendants, 150 RFT VARICK CORP., W & M OPERATING L.L.C. demands judgment dismissing the complaint herein together with the costs and disbursements of this action.

Dated: April 22, 2010  
Brooklyn New York



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BOLAN JAHNSEN DACEY  
BY: TODD E GILBERT (TG 5953)  
Attorney for Defendants  
150 RFT VARICK CORP., W & M OPERATING L.L.C.  
1400 Avenue Z - Ste 505  
Brooklyn New York 11235  
718-368-0000

TO:  
Neal Brickman (NB0874)  
LAW OFFICE OF NEAL BRICKMAN PC  
Attorney for Plaintiff  
317 Madison Avenue 21st Floor  
New York NY 10017  
212-986-6840



**ATTORNEY'S VERIFICATION**

TODD E GILBERT, an attorney duly admitted to practice law before the Courts of the state of New York and a member of the firm of BOLAN, JAHNSEN DACEY, attorneys for the Defendants, 150 RFT VARICK CORP., W & M OPERATING L.L.C., states:

That your affirmant has read the foregoing **ANSWER** and know the contents thereof; that the same is true to your affirmant's own knowledge except as to the matters which are stated therein to be alleged on information and belief, and as to those matters your affirmant believes them to be true.

The source of your affirmant's information and belief is an investigation caused to be made with respect to the facts in this action, and file contents.

The reason this verification is not made by answering Defendants herein, is that that the Defendants do not reside (or is a corporation and do not have an office) within the County of Kings where your affirmant's office is maintained.

The undersigned affirms that the foregoing statement is true, under penalties of perjury, pursuant to CPLR 3030 (D) 93).

Dated: Brooklyn , New York  
April 29, 2010



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TODD E GILBERT

**AFFIDAVIT OF SERVICE BY EFILE**

STATE OF NEW YORK    )  
                                  ) ss:  
COUNTY OF KINGS     )

**TODD E GILBERT**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides in NEW YORK.

That on the 29<sup>th</sup> April, 2010, deponent served the within **VERIFIED ANSWER** upon:

TO:

Neal Brickman (NB0874)  
LAW OFFICE OF NEAL BRICKMAN PC  
Attorney for Plaintiff  
317 Madison Avenue 21st Floor  
New York NY 10017  
212-986-6840

Parties in this action, at the addresses designated by said attorneys for that purpose by electronically filing.

  
\_\_\_\_\_  
**TODD E GILBERT**

Sworn to before me this  
29<sup>th</sup> day of April 2010.

  
\_\_\_\_\_  
Notary Public

LAUREEN GUTILLA  
Notary Public, State of New York  
No. 01GU6150313  
Qualified in Kings County  
Term Expires July 24, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Index No: 10 CIV 2702

-----X  
JUSTIN ARMSTRONG,

Plaintiff,

-against-

**RULE 7.1 STATEMENT**

"JOHN DOE" NEW JERSEY STATE  
TROOPERS 1-5, 150 RFT VARICK CORP.  
d.b.a. GREENHOUSE USA, "JOHN DOE"  
GREENHOUSE SECURITIES 1 & 2,  
JON BAKHSHI, BARRY MULLINEAUX,  
FRANK PROCO, JOHN BEST, MERLIN BOB  
WILLIS, TIM REGISFORD, GREG  
ANNUNZIATA and W & M OPERATING  
L.L.C.,

Defendants,

-----X  
Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, defendant, 150 RFT VARICK  
CORP. and W & M OPERATING L.L.C. hereby certifies the following:

There is no parent or publicly traded corporation that owns 10% or more of the stock of 150 RFT  
VARICK CORP. and W & M OPERATING L.L.C.

Dated: April 22, 2010  
Brooklyn New York

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BOLAN JAHNSEN DACEY  
BY: TODD E GILBERT (TG 5953)  
Attorney for Defendants  
150 RFT VARICK CORP., W & M OPERATING L.L.C.  
1400 Avenue Z - Ste 505  
Brooklyn New York 11235  
718-368-0000